IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.4458 of 2007
DATED 6-3-2007

BETWEEN
C.Venkateswara Reddy.

.. Petitioner

And

The Government of A.P. rep by its Commissioner,
Endowments Department, Boggulakunta,
Tilak Road, Hyderabad and another.

.. Respondents

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.4458 of 2007

ORDER:

This writ petition is filed to declare the action of the 2nd respondent in issuing the auction notification in respect of sale of pooja samagri and other pooja dravyams for the period from 15.3.2007 to 15.2.2008 at Sri Mahanandiswara Swamyvari Devasthanam, Mahanandi,Kurnool, scheduled to be held on 7.3.2007 without disposing of the representation of the petitioner for extension of the lease as arbitrary and illegal.

The case of the petitioner is that he was the highest bidder for an amount of Rs.86,000/- for the period from 1.1.2005 to 31.12.2005

for the purpose of selling pooja samagri and other pooja dravyams at Sri Mahanandiswara Swamyvari Devasthanam, Mahanandi, Kurnool. After the expiry of the said lease period, the same was extended by another one year at the enhanced rent and the said enhanced lease period has also expired by 31.12.2006. Consequently, the 2nd respondent has issued auction notification to dispose of the said right of selling pooja dravyams, by way of public auction, for the period from 15.3.2007 to 15.2.2008. It is stated that the petitioner filed a revision RP.No.1 of 2007 before the Commissioner of Endowments, Hyderbad to extend the lease period as per the circulars issued from time to time.

Rules have been framed in G.O.Ms.No.866 Revenue, (Endowments) Department dated 8.8.2003 called the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Immovable Properties and Other Rights (other than Agricultural lands) Leases and Licenses Rules, 2003 which prescribes the manner and method of leasing out the immovable properties other than the agricultural lands. Under Rule 3 of the said Rules, all leases or licenses shall be made by way of public auction. However, on a request made by the executive authority to grant lease otherwise than by way of public auction, it is open for the Commissioner, if he is satisfied for the reasons to be recorded in writing, that the interest of the institution or endowment will not suffer thereby, he may grant permission to such executive authority to grant lease otherwise than by way of public auction. Therefore, in the facts and circumstances of the case, I am of the opinion that the petitioner has no right to seek extension of the lease since the executive authority is only entitled to recommend for any such

extension in the interest of the institution and on such request, it is open for the Commissioner to consider the said request, if he is satisfied by recording the reasons.

In the circumstances, without expressing any opinion on the merits of the case, the writ petition is disposed of directing the 1st respondent – Commissioner of Endowments to consider and dispose of RP No.1 of 2007/representation of the petitioner as expeditiously as possible.

No costs.

V.ESWARAIAH,J

Dt.6.3.2007
msv